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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
~~Hammond~~ DIVISION

Joyce Taylor
(Plaintiff)

vs. Indiana Department of Child Services
(Defendant).

2 11 CV 301

EMPLOYMENT DISCRIMINATION COMPLAINT

Plaintiff brings a complaint against defendant Indiana Department of Child Services for discrimination as set forth below.

Plaintiff ☒ DOES ☐ DOES NOT (indicate which) demand a jury trial.

I. PARTIES

Plaintiff's Name: Joyce Taylor

Plaintiff's Address: 220 Taft Place
Gary, IN 46404
(219) 882-8083

Plaintiff's Telephone:

Defendant's Name: Indiana Department of Child Services

Defendant's Address: 402 West Washington Street
Indianapolis, IN 46204
(317) 233-4685

II. BASIS OF CLAIM AND JURISDICTION

1. This complaint is brought pursuant to:

☒ Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000e-5), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☒ The Age Discrimination in Employment Act (29 U.S.C. §621), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ The Americans with Disabilities Act (42 U.S.C. §12101), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ The Rehabilitation Act (29 U.S.C. §701, *et seq.*), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☒ Equal rights under law (42 U.S.C. §1981), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

☐ Other (list): _____

2. Plaintiff ☒ DID ☐ DID NOT (indicate which) file a charge of discrimination with the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission. [If the plaintiff did file a charge of discrimination, Plaintiff should attach a copy of the charge to the complaint].
3. Plaintiff's Right to Sue Notice from the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission was RECEIVED on or about 5-19-11 (insert date the plaintiff received the notice -- in most instances this will not be the same date stamped on the notice). [Plaintiff should attach a copy of the Notice of Right to Sue to this complaint.]

III. STATEMENT OF LEGAL CLAIM

Plaintiff is entitled to relief in this action because (if more space is needed, attach additional pages):

Plaintiff was discriminated against against
on the basis of her race and her age during
her employment with the defendant. Neither was
plaintiff afforded the same rights as her white co-workers.

IV. FACTS IN SUPPORT OF COMPLAINT

The facts on which this complaint is based are the following (if you need additional space, please attach additional pages)

During plaintiff's employment, she took note
that the majority of employees who were either Black

(Facts, continued)

or over 40 yrs. of age were being forced to retire and being replaced by white or younger employees. This Plaintiff was suspended on June 2010 for 5 days and again on October 1, 2010 for 30 days pending termination without due process. Other employees of a different race and age were treated different.

V. PRAYER FOR RELIEF

Based on the foregoing, plaintiff seeks the following relief:

- Reinstatement with benefits owed + security status; Damages for compensation of past + future out-of-pocket losses, emotional harm, inconvenience, and any other non-pecuniary losses; Punitive damages; court-cost and attorney fees-if necessary; Sensitivity training for all of defendant's management personnel; liquidated damages; mandated review and enforcement of state codes relative to Family Case managers employed by the defendant; and injunctive relief.

VI. AFFIRMATION OF PLAINTIFF

I, Joyce Taylor, the plaintiff in the aforementioned cause, do affirm that I have read all of the statements contained in the complaint and those which are attached in the accompanying financial statement. I believe them to be, to the best of my personal knowledge, true and correct.

Further, I do understand that this complaint and this affidavit will become an official part of the United States District Court files and that ANY FALSE STATEMENTS knowingly made by me are illegal and may subject me to criminal penalties.

Joyce Taylor
(Signature of Plaintiff)
8-7-11
(Date)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Joyce C. Taylor**
220 Taft Place
Gary, IN 46404

From: **Indianapolis District Office**
101 West Ohio St
Suite 1900
Indianapolis, IN 46204



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

24E-2011-00022

Randy G. Poynter,
Enforcement Supervisor

(317) 226-5670**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

MAY 16 2011

Enclosures(s)

Webster N. Smith,
District Director

(Date Mailed)

cc:

Matt Brown
Director of Dispute Resolution
INDIANA DEPARTMENT OF CHILD SERVICES
Indiana State Personnel Department
402 W Washington St., Room W161
Indianapolis, IN 46204

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** – not 12/1/10 – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☒ FEPA

1010-029

☒ EEOC

24E-2011-00022

Gary Human Relations Commission

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Joyce C. Taylor

Home Phone (Incl. Area Code)

(219) 882-8083

Date of Birth

03-23-1950

Street Address

220 Taft Place,

City, State and ZIP Code

Gary, IN 46404

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

INDIANA DEPT OF CHILD SERVICES

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(219) 886-6000

Street Address

661 Broadway,

City, State and ZIP Code

Gary, IN 46402

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☒ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
 Earliest Latest

06-04-2010

10-01-2010

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I am a 60/yr old African American who was hired by the Respondent January 7, 2008. My most recent position was Family Case Manager II. Since I've been hired, I have noticed that the majority of the employees who were either black or over 40/yr of age, have been replaced by white or younger employees. In June 2010, I was suspended for (5) days by the Regional Manager allegedly for multiple incidents of unsatisfactorily carrying out my duties. Since then I been a recipient of harassment and denied terms and conditions of employment afforded to Respondent's younger (under 40/yr) and white employees. The last act occurred on October 1, 2010, when I was given a letter which reads, "My decision it to suspend you for thirty (30) days without pay pending termination of your employment. Your suspension begins today. You last day of employment with the Indiana Department of Child Services is October 31, 2010".

I believe that I have been discriminated against based on my race/black in violation of Title VII of the Civil Rights Act of 1964, as amended and my age 60/yr old, in violation of the Age Discrimination in Employment Act.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

Mary E. Jones

10/13/14

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Joyce C. Taylor 10-21-10

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)

Oct 21, 2010

Date

Charging Party Signature